

5-638536
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAERSK SEALAND,

Plaintiff,

- against -

AFRICAN CENTRAL MARKET,
and JOHN WILLIAMS.

Defendants.

2937
07 CV 2937 (COTE)ORDER TO
SHOW CAUSE

CLERK ALICE COTE/DOUGLAS J.
ENGWALD
ANDREW J. KAPLEN

PLEASE TAKE NOTICE that upon the annexed affidavit of Albert J.

Avalone, Esq., with Exhibits annexed thereto, the affidavit of Dave Johnson, and upon all prior pleadings and proceedings herein, defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS are summoned to show cause before the Hon. Denise Cote, D.J. at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY, in Courtroom 11B thereof, on the 20th day of July, 2007, at 10:00 a.m. why judgment by default should not be entered against defendants due to defendants' failure to respond to the Complaint.

PLEASE TAKE FURTHER NOTICE that service on defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS by first class mail, postage prepaid, on or before July 12, 2007 shall be deemed sufficient service thereof.

No prior application for the relief requested has been made.

Dated: New York, New York
July 9, 2007

Denise Cote
U.S.D.J.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 579124
DATE FILED: 7/9/07

5-838536
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
MAERSK LINE

07 CV 2947 (COTE)

Plaintiff,

- against -

AFFIDAVIT

AFRICAN CENTRAL MARKET,
and JOHN WILLIAMS,

Defendants.

STATE OF NORTH CAROLINA } ss.
COUNTY OF MECKLENBURG }

DAVE JOHNSON, being duly sworn, deposes and says:

1. I am the Litigation Analyst in the offices of Credit and Collection for MAERSK LINE ("ML"), the plaintiff in the referenced matter. As such, I am personally familiar with the facts and circumstances herein, and I make this affidavit in support of plaintiff's Motion for Final Judgment by Default against defendants AFRICAN CENTRAL MARKET, and JOHN WILLIAMS.

2. ML's records show that defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS were the consignees of goods carried on plaintiff's Vessels, and are the parties responsible to remit the ocean freight and related charges due as set forth in the Complaint. Such charges are true and accurate pursuant to ML's tariff and Service Contract with defendants, are the responsibility of defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS, and remain unpaid.

WHEREFORE, plaintiff prays for the entry of judgment by default against defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS.

Dated: Charlotte, North Carolina
June 28, 2007


DAVE JOHNSON

Sworn to before me this
28 day of June, 2007


Santa C. Bauer
Notary Public

My Commission Expires November 19, 2008

MAERSK SEALAND,

07 CV 2947 (COTE)

Plaintiff,

AFFIDAVIT FOR
JUDGMENT BY DEFAULT

- against -

AFRICAN CENTRAL MARKET,
and JOHN WILLIAMS,

Defendants.

STATE OF NEW YORK
COUNTY OF NEW YORK

} SS.:

ALBERT J. AVALLONE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court, and am a member of the firm of the Law Offices of Albert J. Avallone & Associates, attorneys for plaintiff. As such, I am personally familiar with the facts and circumstances in this action.
2. I make this affidavit in support of plaintiff's application for the entry of a default judgment against defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS.
3. This is an action to recover unpaid ocean freight owed by defendant to plaintiff for the transportation of certain goods of the defendants by the plaintiff.
4. Jurisdiction of the subject matter of this action is based on maritime jurisdiction.
5. This action was commenced on April 12, 2007 by the filing of a Summons and Complaint. A copy of the Summons and Complaint was served on defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS on June 1, 2007 by personal service on John Williams, individual defendant and president of defendant AFRICAN CENRAL MARKET, and proof of service was filed. The defendants have not answered the Complaint and the time for the defendants to

6. This action seeks judgment for the liquidated amount of \$4,100.00,

with interest at 6% from October 18, 2006, which is justly due and owing, and no part of which has been paid except as therein set forth.

7. The disbursements sought to be taxed have been made in this action or will necessarily be made or incurred herein.

8. The individual defendant is neither an infant nor an incompetent, nor is he a member of the Military Service.

WHEREFORE, plaintiff requests the entry of default and the entry of the annexed judgment against defendants.

Dated: New York, New York
July 9, 2007



Albert J. Avallone

Sworn to before me this
9th day of July, 2007



Dorothy C. Morite
Notary Public

DOROTHY C. MORITE
Notary Public, State of New York
No. 31-4161197
Qualified in New York County
My Commission Expires 2/12/10

5-638536

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAERSK SEALAND,

07 CV 2947 (COTE)

Plaintiff,

AFFIDAVIT

- against -

AFRICAN CENTRAL MARKET,
and JOHN WILLIAMS,

Defendants.

STATE OF NEW YORK } SS.:
COUNTY OF NEW YORK }

ALBERT J. AVALLONE, being duly sworn, deposes and says:

I am a member of the Bar of this Court and am a member of the firm
of the Law Offices of Albert J. Avallone & Associates, attorneys for plaintiff. As
such, I am familiar with the facts and circumstances in the above entitled action.

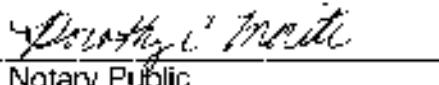
Jurisdiction of plaintiff's claim is based upon maritime jurisdiction.

In my opinion, this Court has jurisdiction over the persons and subject
matter of this action.

Dated: New York, New York
July 9, 2007


Albert J. Avallone

Sworn to before me this
9th day of July, 2007


Dorothy C. Merite
Notary Public

DOROTHY C. MERITE
Notary Public, State of New York
No. 01-4961997
Qualified in New York County
My Commission Expires 12/31/2008

MAERSK SEALAND,

X 07 CV 2947 (COTE)

Plaintiff,

STATEMENT

- against -

AFRICAN CENTRAL MARKET,
and JOHN WILLIAMS,

Defendants.

X

1. On the First Cause of Action.....	\$4,100.00
Interest at 6% from October 18, 2006	
through July 9, 2007.....	\$177.93

Disbursements:

1. Clerk's Fee.....	\$350.00
2. Process Server.....	\$320.00

Total (as of July 9, 2007).....\$4,947.93

Dated: New York, New York
July 9, 2007LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By _____


Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK SEALAND
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

5-638536

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAERSK SEALAND,

07 CV 2947 (COTE)

Plaintiff,

CLERK CERTIFICATE

- against -

AFRICAN CENTRAL MARKET,
and JOHN WILLIAMS,

Defendants.

X

I, J. MICHAEL McMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that the docket entries in the above entitled action indicate that the Summons and Complaint herein were filed on April 12, 2007, and that defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS were personally served with copies of the Summons and Complaint on June 1, 2007 by personal service on John Williams, defendant and president of defendant AFRICAN CENTRAL MARKET, and proof of service was filed. I further certify that the docket entries indicate that the defendants have not filed an Answer to the Complaint herein, and that the time to answer the Complaint has expired. The default of the defendants is noted.

Dated: New York, New York
July 9, 2007

J. Michael McMahon

Clerk

5-638536
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAERSK SEALAND,

X 07 CV 2947 (COTE)

Plaintiff,

- against -

DEFAULT JUDGMENT

AFRICAN CENTRAL MARKET,
and JOHN WILLIAMS,

Defendants.

X

This action having been commenced on November 3, 2003 by the filing of a Summons and Complaint, and a copy of the Summons and Complaint having been served on defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS on June 1, 2007 by personal service on John Williams, defendant and president of defendant AFRICAN CENTRAL MARKET, and proofs of service having been filed, and the defendants not having answered the Complaint, and the time for answering the Complaint having expired,

Now, on motion of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff, it is

ORDERED, ADJUDGED AND DECREED that the plaintiff have judgment against defendants AFRICAN CENTRAL MARKET and JOHN WILLIAMS in the liquidated amount of \$4,100.00, with interest at 6% from October 18, 2006 amounting to \$177.93, plus the costs and disbursements of this action in the amount of \$670.00, amounting in all to \$4,947.93.

Dated: New York, New York
, 2007

U.S.D.J.

AFFIDAVIT OF SERVICE BY MAIL

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CITY OF NEW YORK)
STATE OF NEW YORK) SS:
COUNTY OF NEW YORK)

Mary Ann Stewart, being duly sworn, deposes and says that she is a member of the Law Offices of Albert J. Avallone & Associates, attorneys for plaintiff herein.

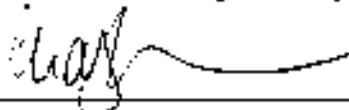
That on the 10th day of July , 2007, she served the within
Order to Show Cause

upon the following:

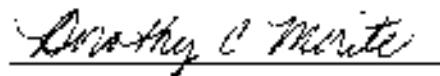
John Williams
African Central Market
63 Fletcher St.
Lowell, MA 01854

by depositing (a) true copy(ies) of the same securely enclosed in (a) postpaid wrapper(s) in a Post Office Box regularly maintained by the United States Government at 551 Fifth Avenue, New York, NY 10176, directed to the above mentioned individual(s) at his (their) respective address(es) above, that (these) being the address(es) within the State designated by him (them) for that purpose upon the preceding papers in this action or the place where he (they) then kept an office, between such places, there then was and now is a regular communication by mail.

Deponent is over the age of 18 years.



Sworn to before me this
10th day of July , 2007



DOROTHY C. MERITE
Notary Public, State of New York
No. 31-4861887
Qualified in New York County
My Commission Expires 2/10/12